

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Stanley D. C. Akar James, Jr.,)	Civil Action No.: 9:20-cv-02458-RBH
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Chief Beatty and Sheriff Al Cannon,)	
)	
Defendants.)	
)	

This matter is before the Court for review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Molly H. Cherry, who recommends summarily dismissing Plaintiff’s amended complaint without prejudice.¹ *See* ECF No. 20.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Plaintiff has not filed objections to the R & R, and the time for doing so has expired.² In the absence of objections to the R & R, the Court is not required to give any explanation for adopting the Magistrate Judge’s recommendations. *See Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life &*

¹ The Magistrate Judge issued the R & R in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.).

² Plaintiff’s objections were due by December 15, 2020. *See* ECF No. 27.

Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’” (quoting Fed. R. Civ. P. 72 advisory committee’s note)).

Having found no clear error, the Court **ADOPTS** the Magistrate Judge’s R & R [ECF No. 20] and **DISMISSES** Plaintiff’s amended complaint *without prejudice* and without issuance and service of process.³

IT IS SO ORDERED.

Florence, South Carolina
December 18, 2020

s/ R. Bryan Harwell
R. Bryan Harwell
Chief United States District Judge

³ The Magistrate Judge provided Plaintiff an opportunity to file an amended complaint, which he did. *See generally Goode v. Cent. Va. Legal Aid Soc’y, Inc.*, 807 F.3d 619, 624 (4th Cir. 2015), *abrogated in part by Bing v. Brivo Sys., LLC*, 959 F.3d 605, 611–12 (4th Cir. 2020); *see, e.g., Grady v. White*, 686 F. App’x 153, 154 n.* (4th Cir. 2017) (citing *Goode* and dismissing an appeal without remand “because the [district] court previously afforded [the plaintiff] the chance to amend his complaint”).